

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 3:11-CR-69-PLR
)	
HECTOR GONZALEZ)	

MEMORANDUM AND ORDER

This matter is before the court on the defendant's motion for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 194]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 199]. The United States Probation Office has provided the court with a memorandum regarding retroactivity of Amendment 782. The defendant is presently scheduled for release on January 30, 2021.

The defendant was convicted of conspiring to distribute and possess with intent to distribute at least five kilograms of cocaine, 280 grams of cocaine base, and 100 grams of heroin, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(A). At sentencing, defendant's base offense level was 31, with a criminal history category III, resulting in an advisory guideline range of 135 - 168 months; however, defendant was subject to a 240-month mandatory minimum sentence pursuant to the enhanced penalty provisions of 21 U.S.C. § 841(b)(1)(A). Before sentencing, the United States filed a motion for

downward departure pursuant to 18 U.S.C. § 3553(e) for defendant's substantial assistance to the government. The court granted the motion and sentenced defendant to a total term of 120 months imprisonment, 50% below the enhanced guideline range.


Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 29, with a criminal history category III, resulting in an amended guideline range of 108 - 135 months. Giving defendant a comparable adjustment, and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motion [R. 194] is GRANTED, and the defendant's sentence is **reduced to 54 months**.

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated June 18, 2013, shall remain in effect.

IT IS SO ORDERED.

Enter: July 25, 2016


UNITED STATES DISTRICT JUDGE